

JURISDICTION:

General Reference:

Basis for a Speed Law Violation:

Basic Speed Rule:

Statutory Speed Limit:

See Other below.

Posted (Maximum) Speed Limit:

Basis for a Speed Law Violation: (continued)

**TEXAS**

This chapter summarizes Texas State statutes related to speed. Citations are to Vernon's Texas Transportation Code (Tran. Code).

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the circumstances then existing or under the conditions and having regard to actual and potential hazards. Tran. Code 545.351(a) & (b)(1)<sup>1</sup>

Operating a vehicle in excess of the following speed limits is *prima facie*

evidence that such speed is not reasonable and prudent and is unlawful. Tran. Code 545.352(a)

A) 70 MPH during the daytime on "numbered" highways and farm/ranch-to-market roads outside an urban district<sup>2</sup> Tran. Code 545.352(b)(2)

B) 65 MPH during the nighttime on "numbered" highways and farm/ranch-to-market roads outside an urban district<sup>2</sup> Tran. Code 545.352(b)(2)

C) 60 MPH during the daytime on highways that are not "numbered" and that are outside of an urban district Tran. Code 545.352(b)(3)

D) 55 MPH during the nighttime on highways that are not "numbered" and that are outside of an urban district Tran. Code 545.352(b)(3)

E) 30 MPH in an urban district Tran. Code 545.352(b)(1)

F) 15 MPH in an alley Tran. Code 545.352(b)(1)

G) 15 MPH on a beach Tran. Code 545.352(b)(5)

H) 15 MPH on a road adjacent to a public beach if declared by the commissioners court of the county. Tran. Code 545.352(b)(6) For counties with a population >200,000, this authority may be delegated to the county engineer. Tran. Code 251.159

I) Certain subdivision residents abutting a private road, not in a municipality, may petition the Texas Transportation Commission to extend the speed restrictions to such road. This applies only if there are at least 400 people that live in a subdivision and/or an across adjacent subdivision. Tran. Code 542.006(a)

J) Twenty-five percent (25%) of the property owners of a subdivision with privately maintained roads or the governing body of the entity that maintains these roads may petition the commissioners court of a county to extend any or all of the traffic rules (e.g., speed limits) to such subdivision's roads. Tran. Code 542.007

I. Based on engineering and traffic investigations, the Texas Transportation Commission may alter the *prima facie* speed limits on State highways and limited-access or controlled highways inside or

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<sup>1</sup> See also 1 of Ch. 295, Laws of 1995. Sec. 1 of Ch. 295, Laws of 1995, amended 166(a) of Art. 6701d even though such section was repealed and replaced by Tran. Code 545.351 & 545.352. See Ch. 165, Laws of 1995. However, because of the provisions of Government Code 311.031(c) and the fact that, Ch. 295, Laws of 1995 were repealed after 166(a) of Art. 6701d was repealed and replaced, 1 of this chapter is given effect.

<sup>2</sup> These speed limits apply to passenger cars or light trucks towing a trailer or semitrailer used primarily to transport a motorcycle. Tran. Code 545.352(b)(2) A "light truck" is defined as a truck with a carrying capacity of ≤2,000 lbs. and includes pick-up trucks, panel delivery trucks and carry-all trucks. Tran. Code 545.352(d)(1)

## TEXAS

Posted (Maximum) Speed Limit: (continued)

outside of any municipality.<sup>3</sup> Tran. Code 545.353(a) & (f)  
II. Based on engineering and traffic investigations, the Texas Turnpike Authority or any Regional Tollway Authority may alter the *prima facie* speed limits on highways under its jurisdiction including those inside or outside any municipality.<sup>4</sup> Tran. Code 545.354(a) & (d)  
III. Based on engineering and traffic investigations, county court commissioners may increase the *prima facie* speed limits on highways under their jurisdiction. In addition, they may declare lower speed limits if the *prima facie* limits are unreasonable or unsafe.<sup>5</sup> Tran. Code 545.355(a) For counties with a population >200,000, this authority may be delegated to the county engineer. Tran. Code 251.159  
IV. Based on engineering and traffic investigations, municipalities may alter the *prima facie* speed limits on highways under their jurisdiction.<sup>6</sup> Tran. Code 545.356(a) & (b)  
V. Texas law gives United States military commanders the authority to alter the *prima facie* speed limits on state highways within a United States military reservation.<sup>7</sup> Tran. Code 545.358  
VI. Based on investigations, the Texas Transportation Commission, the Texas Turnpike Authority or a local government may establish safe maximum speed limits for bridges or other elevated structures under their jurisdiction. Tran. Code 545.361(e)  
VII. The State Transportation Commission and local governments are required hold public hearings upon request once each calendar year to consider *prima facie* speed limits on highways that are under their respective jurisdictions and that are either near (1) public or private elementary or secondary schools or (2) institutions of higher education. Tran. Code 545.357  
VIII. The commissioners court of a county may request the Texas Transportation Commission to establish *prima facie* speed limits for farm/ranch-to-market roads without improved shoulders that are lower than those provided for under Tran. Code 545.352. Tran. Code 545.353(a)

Minimum Speed Limit:

I. No person shall drive so slowly as to impede the normal and reasonable movement of traffic. Tran. Code 545.363(a)

Basis for a Speed Law Violation: (continued)

Minimum Speed Limit: (continued)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. Tran. Code 545.051(b)

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However, the following limitations apply. A speed limit cannot be established >70 MPH. And, the speed limits established for per Tran. Code 545.352(b)(5) for ce les outside an urban district cannot be changed. Tran. Code 545.353(d)

However, a speed limit cannot be established >70 MPH. Tran. Code 545.354(f)(2)

However, a speed limit can neither be established >60 MPH nor <30 MPH. Tran. Code 545.355(a)

However, a speed limit cannot be established >60 MPH. Tran. Code 545.356(a) & (b) Also, if there is a conflict in the established speed limits by a municipality an s Transportation Commission for any highway, the speed limit established by the State prevails. Tran. Code 545.359

However, a speed limit cannot be established >60 MPH. Tran. Code 545.358 Also, if there is a conflict in the established speed limits by the U.S commander an s Transportation Commission for any highway, the speed limit established by the State prevails. Tran. Code 545.359

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the Texas Transportation Commission, the Texas Turnpike Authority or a local government may establish minimum speed limit for any highway under their jurisdiction. Tran. Code 545.363(b)

Other:

I. Operating the following types of vehicles in excess of the given speed limits is *prima facie* evidence that such speed is not reasonable and prudent and is unlawful. Tran. Code 545.352(a)  
 A) A manufactured house or house trailer cannot be towed in excess of the posted speed limit or >55 MPH whichever is less. Code 623.101(a)  
 B) A school bus with a commercial motor vehicle inspection cannot be driven >60 MPH outside an urban district on a numbered highway or farm-to-market road. Tran. Code 545.352(b)(4)(A)  
 C) A school bus without a commercial motor vehicle inspection cannot be driven >50 MPH outside an urban district Tran. Code 545.352(b)(4)(B)  
 D) A school bus with or without a commercial motor vehicle inspection cannot be driven >50 MPH outside an urban district on a highway that has not been numbered. Tran. Code 545.352(b)(4)(B)  
 E) 60 MPH during the daytime on highways that are outside of an urban district for trucks (e.g., truck tractor, trailer or semitrailer) except for light trucks<sup>2</sup> Tran. Code 545.352(b)(4)(C)  
 F) 55 MPH during the nighttime on highways that are outside of an urban district for trucks (e.g., truck tractor, trailer, or semitrailer) Tran. Code 545.352(b)(4)(C)  
 II. 30 MPH is the maximum speed limit in a county park that borders the Gulf of Mexico. Tran. Code 750.002  
 III. A vehicle equipped with solid rubber or cushion tires may be operated >10 MPH. Tran. Code 545.361(b)  
 IV. Self-propelled agricultural machinery used for planting "food materials" and not designed for transportation purposes may not be operated >30 MPH. Tran. Code 545.361(d)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. Tran. Code 542.301 & 750.002(b)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

**None**

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Mandatory Min. Fine (\$):

**\$1 to \$200** Tran. Code 542.401 & 750.002(b)

**None**

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### Other Penalties:

Traffic School:

Other:

**Double Fines.** If a speeding offense occurs in a construction zone, the minimum and maximum fines are **doubled**. Tran. Code 542.404

### Licensing Action:

Type of Licensing Action

(Susp/Rev):

**Suspension or Revocation** at the discretion of the licensing agency. This action is based on either (1) on habitually reckless or negligent vehicle operation or (2) on habitual violation of the traffic laws.<sup>8</sup> Tran. Code 521.163, 521.294(a) & (b)(4)<sup>9</sup>

Term of License Withdrawal

(Days, Months, Years, etc.):

Revocation-**Indefinite Period** Tran. Code 521.306(a)

Suspension-Not more than **1 year** Tran. Code 521.306(b)

Mandatory Minimum Term of

Withdrawal:

Revocation-The revocation period **cannot** be probated and, therefore, appears to be mandatory. Tran. Code 521.306(a)

Suspension-**None** A suspension may be probated and is, therefore, not mandatory.<sup>10</sup> Tran. Code 521.303(a)

### Miscellaneous Sanctions

Not Included Elsewhere:

**Deferred Disposition.** Except for speeding >25 MPH over the speed limit, persons charged with traffic offenses may be allowed to participate in a deferred disposition program. Under this program, an offender must plead guilty or no contest to the offense and complete a driving safety course. The court defers imposition of judgment for 180 days and dismiss the charge when the course has been completed. Code of Criminal Procedure, Art. 45.541

### Other Criminal Actions Related to Speeding:

Racing on Highway:

Misdemeanor Tran. Code 542.301(b) & 545.420

Sanctions:

Criminal Sanction:

**None**

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

**\$1 to \$200** Tran. Code 542.401

Mandatory Minimum Fine:

**None**

Administrative Licensing Action:

An "habitual violator" is defined as a person who has committed either 4 or more traffic offenses within 12 months or 7 or more offenses within 24 months. Tran. Code 521.294(h)

See also 2 of Ch. 434, Laws of 1995. Sec. 2 of Ch. 434, Laws of 1995, amended 22(b) of Art. 6787b even though such section was repealed and replaced by Tran. Code 521.294. See Ch. 165, Laws of 1995. However, because of the provisions of Government Code 311.031(c) and the fact that, Ch. 434, Laws of 1995, was enacted 2 of Art. 6687b was repealed and replaced, 2 of this chapter it is given effect.

If a license suspension is probated, the offender must be placed on probationary status for a period of 90 days to 2 years. Tran. Code 521.303(c)

Licensing Authorized and Type of Action:	<b>Suspension or Revocation (Discretionary)</b> based on either habitually reckless/negligent vehicle operation or habitual violation of the traffic laws. <sup>8</sup> Tran. Code 521.163, 521.294(a) & (b)(4) <sup>9</sup>
Length of Term of Licensing Withdrawal:	<u>Revocation</u> - <b>Indefinite Period</b> Tran. Code 521.306(a) <u>Suspension</u> -Not more than <b>1 year</b> Tran. Code 521.306(b)
Mandatory Action--Minimum Length of License Withdrawal:	<u>Revocation</u> -The revocation period <b>cannot</b> be probated and, therefore, appears to be mandatory. Tran. Code 521.306(a) <u>Suspension</u> - <b>None</b> A suspension may be probated and is, therefore, not mandatory. <sup>10</sup> Tran. Code 521.303(a)
Other:	<b>Double Fines.</b> If a offense occurred in a construction zone, the minimum and maximum fines are <b>doubled</b> . Tran. Code 542.404 <b>Deferred Disposition.</b> An offender may be able to participate in the deferred disposition program. See Miscellaneous Sanctions for speeding offenses on p. 246 for details.
<u>Reckless Driving:</u> Sanction: Criminal: Imprisonment (Term): Mandatory Minimum Term of Imprisonment: Fine (\$ Range): Mandatory Minimum Fine:	Misdemeanor Tran. Code 545.401(a) & (b)  Not more than <b>30 days</b> Tran. Code 545.401(b)(2)  <b>None</b> Not more than <b>\$200</b> Tran. Code 545.401(b)(1) <b>None</b>
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	<b>Suspension or Revocation</b> at the discretion of the licensing agency. This action is based either (1) on habitually reckless or negligent vehicle operation or (2) on habitual violation of the traffic laws. <sup>8</sup> Tran. Code 521.163, 521.294(a) & (b)(4) <sup>9</sup>
Length of Term of License Withdrawal Action:	<u>Revocation</u> - <b>Indefinite Period</b> Tran. Code 521.306(a) <u>Suspension</u> -Not more than <b>1 year</b> Tran. Code 521.306(b)
Mandatory Term of License Withdrawal Action:	<u>Revocation</u> -The revocation period <b>cannot</b> be probated and, therefore, appears to be mandatory. Tran. Code 521.306(a) <u>Suspension</u> - <b>None</b> A suspension may be probated and is, therefore, not mandatory. <sup>10</sup> Tran. Code 521.303(a)
<u>Other Criminal Actions Related to Speeding:</u> (continued)	
<u>Reckless Driving:</u> (continued) Other:	<b>Double Fines.</b> If a offense occurred in a construction zone, the maximum fine is <b>doubled</b> . Tran. Code 542.404 <b>Incarceration Costs.</b> A person, who has been convicted of a misdemeanor offense, may be required to pay the cost, at a rate of \$25 per day, for any incarceration time that they serve in a county jail. Indigent defendants may not be required to pay this cost. Code of Criminal Procedure Art. 42.038(a) & (c)

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**Deferred Disposition.** An offender may be able to participate in the deferred disposition program. See Miscellaneous Sanctions for speeding offenses on p. 246 for details.

### Commercial Motor Vehicle (CMV) Operators<sup>11</sup>:

#### Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"<sup>12</sup> within a 3 year period or (2) commit 3 such violations within a 3 year period.  
Tran. Code 522.081(a)

#### Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations  
(within 3 years)-**120 days** Tran. Code 522.081(a)

#### Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations  
(within 3 years)-**120 days** Tran. Code 522.081(a)

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A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Tran. Code 522.003(5)

A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. Tran. Code 522.003(25)